

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GLORIA RODGERS,

Plaintiff,

v.

**DATA TRANSMISSION NETWORK,
CHRIS WHITTINGHILL, and SHERI
WASHBURN,**

Defendants.

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CASE NO. 8:10CV46

ORDER

This matter is before the Court on the Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. 136). Federal Rule of Appellate Procedure 24 states:

A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or

(B) a statute provides otherwise.

Fed. R. App. P. 24(a)(3).

On February 3, 2010, Plaintiff Gloria Rodgers filed a Motion for Leave to Proceed In Forma Pauperis (Filing No. 2) before this Court. The Court granted Rodgers's February 3, 2010, motion. (Filing No. 5.) Attached to her present Motion, Rodgers filed an "Application to Proceed in District Without Prepaying Fees or Costs" (Filing Nos. 136-1, 136-2), which indicates she is unable to pay the costs of prosecuting her appeal, and nothing suggests Rodgers filed her Notice of Appeal (Filing No. 136) in bad faith.

Therefore, the Court will grant Rodgers's Motion and authorize her to proceed on appeal without prepaying or giving security for fees and costs. Accordingly,

IT IS ORDERED:

1. Plaintiff Gloria Rodgers's Motion for Leave to Appeal in Forma Pauperis (Filing No. 136) is granted; and
2. Plaintiff Gloria Rodgers may proceed on appeal without prepaying or giving security for fees and costs.

DATED this 4th day of May, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge